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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,294	07/10/2000	Peter Hauber	BLDR-01	9656

7590 01/25/2005

Louis J. Bachand
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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,294

Applicant(s)

HAUBER, PETER

Examiner

Carlos Lugo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-12 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: attachment #1.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on November 23, 2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4 and 13-18 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,177,687 to Tucker.

Regarding claim 1, Tucker discloses a sliding door latch assembly. The assembly comprises a vertically extended housing (the space where 11 is located) with a vertically extended major portion; a pull handle (12 or 18) opposite the housing major portion; and a latch (36) mounted within the housing major portion and shiftable to and from the housing for locking a sliding door to a cooperating keeper mounted in a sliding door jamb opposite the latch.

The assembly further includes a rotary actuator (22) located within the housing major portion; and a hand-operated lever (50) rotatably mounted to the housing beyond (on or far from) the housing major portion (Figures 3 and 4).

As to the limitation that hand actuation of the lever and latch is free of interference from the pull handle is considered as a method step in an article claim. Therefore, this limitation has not been given patentable weight.

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As to claims 2 and 15, Tucker discloses that the latch is a hook-shaped (36) and that the cooperating keeper comprises a slot.

As to claims 3 and 16, Tucker illustrates that the housing has a rectangular cross section.

As to claim 4, Tucker discloses that the lever (50) further includes a rotatable lever plate (45), wherein the lever plate and the lever are mounted to a common pivot (Figure 4).

As to claim 13, Tucker illustrates a 4 bar coupling (a part of 27 connected to 30,30,32 and a part of 36 connected to 32).

As to claim 14, Tucker further discloses that the assembly includes a linkage extending from the rotary actuator (22) to the lever (50).

As to claim 17, Tucker discloses that the lever further includes a rotatable lever plate (45).

As to claim 18, Tucker discloses that the rotary actuator comprises a rotatable latch plate (26).

Allowable Subject Matter

4. **Claims 5-12 and 19-21 are allowed.**

Response to Arguments

5. Applicant's arguments filed on November 23, 2004 have been fully considered but they are not persuasive.

Regarding applicant's arguments regarding the drawing objection with respect to the 4-bar linkage (Page 8 Line 11), the objection is withdrawn.

As to applicant's arguments regarding the 112nd paragraph rejection of the term "beyond the housing major portion" (Page 8 Line 26), the term beyond, as established by the Merriam Webster Online Dictionary (see attachment #1) and applicant arguments, means "on or to the farther side" of an object. The claim language presented in Claim 1 Line 7 and Claim 14 Line 6 was examined as the hand-operated lever 46 to be rotatably mounted to the housing in a place on or to the farther side of the housing major portion and the housing major portion as to the complete surface from one end to the other of the "block" 12 presented in Figure 1. The 112nd paragraph rejection with respect to this matter was withdrawn.

As to applicant's arguments with respect to the 112nd paragraph rejection to claim 13 (Page 9 Line 6), the rejection is withdrawn (see arguments with respect to the 4-bar coupling above).

As to applicant's arguments that Tucker fails to disclose that the hand-operated lever is rotatably mounted to the housing "beyond" the housing major portion, and the lever being linked from beyond the housing major portion to the rotary actuator (Page 10 Line 3), Tucker indeed discloses this limitation.

Tucker discloses that the pull handle (either 12 or 18) is opposing the housing major portion. Also, Tucker discloses that the hand-operated lever (50) is rotatably mounted to the housing in a place on or to the farther side (meaning of the word beyond) of the housing major portion.

Also, Tucker illustrates that the hand actuation of the lever and the latch is free of interference from the pull handle, i.e., that the pull handle will not interfere in the

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movement of the lever or latch. Applicant is reminded that this limitation, that the hand actuation of the lever and the latch is free of interference from the pull handle, does not mean that the hand lever is located in a place aside from the pull handle as apparently the applicant is trying to establish by his arguments in lines 18-25 of page 10.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

January 11, 2005.

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



Home New Workspace Browse Help Guided Tour

Search Again

All Britannica Online



☐ Not Searched

Dictionary

Search or Browse?

Different types of questions require different methods of research.

If your interests are broad and general, browsing can lead you to a variety of interesting articles presented in an organized system. [Learn more about browsing.](#)

If you want a specific answer or hope to discover unexpected relationships, searching can offer both precision and the possibility of new directions for exploration. [Learn more about searching.](#)

Merriam-Webster's Online Dictionary



Search



4 words found.

To view an entry in the list, highlight it and click on GO TO.

Thesaurus

Go To

beyond[1,adverb]

beyond[2,preposition]

beyond[3,noun]

Main Entry: ¹be·yond

Pronunciation: bE- 'änd

Function: *adverb*

Etymology: Middle English, preposition & adverb, from Old English *begeondan*, from *be-* + *geondan* beyond, from *geond* yond -- more at

Date: before 12th century

1 : on or to the farther side : FARTHER

2 : in addition : BESIDES

Dictionary Pronunciation Key

\&\ as a and u in

abut

\[^&]\ as e in kitten

\&r\ as ur and er in

further

\a\ as a in ash

\e\ as e in bet

\E\ as ea in easy

\g\ as g in go

\i\ as i in hit

\I\ as i in ice

\o\ as aw in law

\oi\ as oy in boy

\th\ as th in thin

\[th_]\ as th in the

\ü\ as oo in loot